IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2953 OF 2001

Bhalchandra Engavale & Ors. : Petitioners

V/s.

The Municipal Corporation of Greater Bombay & Ors. : Respondents

...

Ms Betty D'Souza i/b. M/s.M.P.Vashi & Associates for the petitioners.

Ms Preeti Purandare for respondent No.1.

Mr.Vijendra Jabra i/b. Mr.G. Pillai for respondent No.3.

...

CORAM : H.L.GOKHALE & S.R.DONGAONKAR,JJ.

DATE : MARCH 24, 2006.

P.C.

1. This petition has been disposed of by order passed by a Division Bench on 6.3.2002.

2. One Ashok Sahebrao Pol, Sub-Engineer, now working in K-West ward at Andheri (West) was at that time working in 'D' ward wherein the concerned building of the petitioner-society is situate. He had filed an affidavit dated 5.2.2002 therein. In that affidavit, he had made a statement that Completion Certificate had been issued on

13.7.1978. In fact, no such Completion Certificate was issued but an Occupation Certificate was issued and that certificate is annexed at exh.'A' to the affidavit made by Mr.Pol on 24.2.2006. To correct the record and to correct the position as is emerging from his earlier affidavit, he wants this error to be noted and the correct position to be placed on record and, therefore, he has filed this affidavit and wants this affidavit to be taken on record and the correct position to be noted. Ms D'Souza appearing for the petitioners is not agreeable for any such correction and opposes the same. In spite of this opposition, what we note is that this is only a correction of the record and a photocopy of the certified true copy of the letter dated 13.7.1978 is annexed to this affidavit. In view thereof, we take this affidavit on record and record that whatever has been stated in the earlier affidavit was erroneous and the correct position is stated herein that no Completion Certificate was issued for this building, but only Occupation Certificate was issued on 13.7.1978.

H.L. GOKHALE, J.

S.R.DONGAONKAR, J.